

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. In a previous response, the Applicants amended Claims 5, 8, 12, 14-15 and 20. The Applicants have not canceled or added any claims. Accordingly, Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-5 and 8-12 under 35 U.S.C. §102

The Examiner maintains the rejection of Claims 1-5 and 8-12 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 5,772,586 to Heinonen. As argued previously, the Applicants respectfully disagree.

Instead of teaching a mobile telephone including a vital sign measuring system as recited in independent Claim 1, Heinonen discloses a measuring device 1 that includes a measuring unit 11 and a mobile phone MS. (*See* column 4, lines 56-58 and Figures 2-3.) The mobile phone MS of Heinonen does not include any device, system, component, *etc.*, to measure a vital sign. Instead, the measuring unit 11 performs the vital sign measurements. (*See* column 5, lines 21-39 and Figure 3.) After measuring a vital sign, the mobile phone MS of Heinonen is then used to communicate the vital sign measurement. (*See* column 3, line 65 to column 4, line 7.) Thus, the mobile phone MS of Heinonen does not include a vital sign measuring system as recited in independent Claim 1 but is used to send vital sign measurements made by the separate measuring unit 11.

In a preferred embodiment, the measuring unit 11 can be connected to the mobile phone MS through the battery space thereof. (*See* column 4, lines 57-62 and Figures 2-3.) Nevertheless, even in this embodiment, the mobile phone MS does not include the measuring unit

11. On the contrary, the measuring unit 11 is still a separate component that simply connects to the mobile phone MS through the battery space.

Heinonen clearly teaches that the measuring unit 11 is a separate component from the mobile phone MS. For example, the measuring unit 11 includes its own battery and can perform measurements without being connected to the mobile phone MS. (*See* column 5, lines 6-13, and lines 40-53.) Heinonen, therefore, does not teach a mobile telephone including a vital sign measuring system as recited in independent Claim 1.

Heinonen also does not teach employing a mobile telephone to measure a vital sign including controlling a vital sign measuring system integrated in a chassis of the mobile telephone as recited in independent Claim 8. Instead of a measuring system integrated in a chassis of a mobile telephone, Heinonen discloses a measuring unit that is external to a mobile phone. (*See* column 4, lines 56-62 and Figures 2-3 and the above argument regarding Claim 1.) This is clearly evident in Figures 2-3 of Heinonen. Heinonen, therefore, does not teach controlling a vital sign measuring system integrated in a chassis of the mobile telephone. As such, Heinonen does not teach each limitation of independent Claim 8.

Therefore, Heinonen does not disclose each and every element of independent Claims 1 and 8 and Claims dependent thereon. As such, Heinonen does not anticipate Claims 1-5 and 8-12. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-5 and 8-12 and allow issuance thereof.

II. Rejection of Claims 6-7, 13-20 under 35 U.S.C. §103

The Examiner has rejected Claims 6-7, 13-20 under 35 U.S.C. §103(a) as being unpatentable over Heinonen in view of U.S. Patent No. 6,112,103 to Puthuff, *et al.* The Applicants respectfully disagree.

As discussed above, Heinonen does not teach each limitation of independent Claims 1 and 8. Additionally, Heinonen does not suggest each element of independent Claims 1 and 8 but instead discloses a measuring unit 11 that is a separate component from a mobile phone MS. Heinonen clearly indicates that the measuring unit 11 is independent from the mobile phone MS. (*See* column 5, lines 6-13, and lines 40-53.) Thus, Heinonen does not teach or suggest a mobile telephone including a vital sign measuring system or a vital sign measuring system integrated in a chassis of a mobile telephone as recited in independent Claims 1 and 8, respectively.

Regarding independent Claims 1 and 8, Puthuff has not been cited to cure the above deficiencies of Heinonen but to teach the subject matter of dependent Claims 6-7 and 13-14. (*See* Examiner's Final Rejection, page 7.) Thus, the cited combination of Heinonen and Puthuff does not provide a *prima facie* case of obviousness of independent Claims 1 and 8 and Claims dependent thereon. The cited combination, therefore, does not render dependent Claims 6-7 and 13-14 unpatentable.

Regarding independent Claim 15, the Examiner recognizes that Heinonen is silent as to receiving control signals from a mobile telephone via commands input to a microphone of the mobile telephone. To cure this deficiency, the Examiner cites Puthuff. (*See* Examiner's Final Rejection, page 5.) Puthuff discloses how to wirelessly interface with a mobile phone allowing a user to operate the mobile phone with voice commands. (*See* column 3, lines 14-22 and Figures

1-2.) Puthuff, however, is silent on how control signals received via voice commands input into the mobile phone may be used to control a vital sign measuring system. For example, Puthuff provides no teaching or suggestion of how the voice commands input into the mobile phone become control signals that control circuitry respond thereto to provide vital sign information. Thus, Puthuff discloses controlling a mobile phone using voice commands but does not teach or suggest using voice commands input to a microphone of a mobile phone to control a vital sign measuring system. Thus, the cited combination of Heinonen and Puthuff, individually or in combination, does not teach or suggest control circuitry configured to provide vital sign information to a user in response to control signals received from a mobile telephone through a mobile telephone interface via commands input to a microphone of the mobile telephone as recited in independent Claim 15. As such, the cited combination does not provide a *prima facie* case of obviousness of independent Claim 15 and Claims dependent thereon. The cited combination, therefore, does not render Claims 15-20 unpatentable.

Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 6-7 and 13-20 and allow issuance thereof.

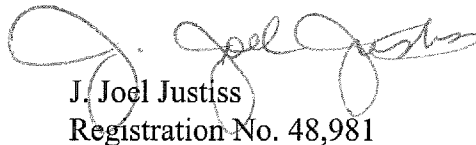
III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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